

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:

MELISSA PULFORD,

Complainant,

and

PALACE BILLARDS OF VILLA PARK, INC.,

Respondent.

CHARGE NO(S): 2008CF0299
EEOC NO(S): 21BA72340
ALS NO(S): 08-0278

NOTICE

You are hereby notified that the Illinois Human Rights Commission has not received timely exceptions to the Recommended Order and Decision in the above named case. Accordingly, pursuant to Section 8A-103(A) and/or 8B-103(A) of the Illinois Human Rights Act and Section 5300.910 of the Commission's Procedural Rules, that Recommended Order and Decision has now become the Order and Decision of the Commission.

STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

Entered this 9th day of April 2010

N. KEITH CHAMBERS
EXECUTIVE DIRECTOR

IN THE MATTER OF:

Complainant,

PALACE BILLARDS OF VILLA PARK, INC.,)

Respondent.

Judge Reva S. Bauch

Page | 1

3. On March 5, 2009, I entered an Order allowing Complainant's attorney leave to withdraw, and ordered Complainant to file her appearance, or have an attorney file an appearance within 21 days.
4. A copy of the March 5, 2009 Order was served on Complainant, and a certificate of service evidencing the service was filed with the Commission on March 5, 2009.
5. On April 9, 2009, this matter was up for a status hearing. Complainant failed to appear or file her appearance as directed by my March 5, 2009 Order.
6. On April 9, 2009, I entered an Order directing Complainant or her attorney to appear on May 7, 2009.
7. The April 9, 2009 Order warned Complainant that failure to appear for scheduled status hearings or comply with my Orders may lead to sanctions, including dismissal of the matter.
8. A copy of the April 9, 2009 Order was served on Complainant, and a certificate of service evidencing the service was filed with the Commission on April 9, 2009.
9. On May 7, 2009, this matter was up for a status hearing. Complainant failed to appear.
10. The May 7, 2009 Order warned Complainant that failure to appear for scheduled status hearings or comply with my Orders may lead to sanctions, including dismissal of the matter.
11. A copy of the May 7, 2009 Order was served on Complainant, and a certificate of service evidencing the service was filed with the Commission on May 7, 2009.
12. On June 17, 2009, a status hearing took place. Complainant failed to appear.
13. On June 26, 2009, Respondent filed its Motion with the Commission, and also filed a certificate of service evidencing that it served both the Complainant and the Department with the Motion.
14. To date, Complainant has failed to file a response to the Respondent's Motion.

CONCLUSIONS OF LAW

1. A complaint may be dismissed when a party fails to appear at a scheduled hearing without requesting a continuance reasonably in advance or unreasonably refuses to comply with a Commission Order or otherwise engages in conduct which unreasonably delays or protracts proceedings.
2. Complainant has failed to: (1) appear at the last three scheduled status hearings; (b) comply with my Orders; and (c) file a response to this Motion. The appropriate sanction is dismissal of the Complaint, and the underlying charge, with prejudice.

DISCUSSION

Under Commission procedural rules, an Administrative Law Judge may recommend to the Commission that a complaint be dismissed where a party fails to appear at a scheduled status hearing, unreasonably refuses to comply with a Commission Order or otherwise engages in conduct which unreasonably delays or protracts proceedings. **See 56 Ill. Admin. Code §5300.750(e).**

Complainant has failed to appear for the last three scheduled status hearings. Complainant was warned that failure to appear at scheduled status hearings and/or comply with Orders may result in dismissal. Complainant has ignored these express warnings.

I find that Complainant has engaged in unreasonable delay, and has ignored my Orders. It appears that Complainant has abandoned her claim. As such, it is appropriate to dismiss her Complaint, with prejudice. **Bulmer v. Teng & Associates, Inc., IHRC, 05-419, May 15, 2006. See also Williams v. SBC Ameritech, IHRC, 05-455, Dec. 11, 2006.**

In addition, Complainant has not filed any response to the Motion. The Commission has held that a dispositive motion should be granted where it appears on its face to be valid and the Complainant has failed to file a response. **Jones and Burlington Northern Railroad, 25 Ill. HRC Rep 101 (1986).**

RECOMMENDATION

I recommend the Commission dismiss the Complaint, and the underlying charge, with prejudice.

HUMAN RIGHTS COMMISSION

BY: _____
REVA S. BAUCH
DEPUTY CHIEF ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION

ENTERED: JULY 22, 2009